

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARK BREINER DDS, LLC and
EMSCULPT OF CT, L.L.C,

Plaintiffs,

VS.

BTL INDUSTRIES, INC.,

Defendant.

Civil Action No.: 1:24-CV-12413-FDS

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT BTL
INDUSTRIES, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND FOR A
REPLY**

Plaintiffs, Mark Breiner DDS, LLC and Emsculpt of CT, L.L.C., and Defendant BTL Industries, Inc., by and through undersigned counsel pursuant to Federal Rule of Civil Procedure 6 and Local Rule 7.1, hereby file this Joint Motion for Extension of Time to file a response in opposition to Defendant BTL Industries, Inc.'s Motion to Dismiss Plaintiff's Complaint and for a Reply, and as good cause, states as follows:¹

1. On November 27, 2024, Defendant filed its Motion to Dismiss Plaintiff's Complaint [DE 15] ("Motion to Dismiss"), which was the day before the Thanksgiving holiday.

2. The 14-day deadline for Plaintiffs to respond to Defendant's Motion to Dismiss is December 11, 2024.

3. Plaintiffs require additional time to prepare and file Plaintiffs' response to Defendant's Motion to Dismiss due to the Thanksgiving holiday and Plaintiffs' counsel having

¹ Plaintiff Mark Breiner DDS, LLC is "Breiner." Plaintiff Emsculpt of CT, L.L.C. is "Emsculpt." Breiner and Emsculpt is collectively "Plaintiffs." Defendant BTL Industries, Inc. is "BTL" or "Defendant."

fallen sick last week. Additional time is also needed due to the upcoming holidays and the undersigned counsel for Plaintiffs going out of the country for a two-week previously planned family vacation from December 15, 2024 through December 29, 2024.

4. On December 10, 2024, Plaintiffs' counsel conferred with Defendant's counsel, Molly Flynn, who indicated that Defendant agrees to a 30-day extension of time as long as Defendant is provided 14 days to file its reply after Plaintiffs file their response, which Plaintiffs do not oppose.

5. This Motion is brought in good faith and not for purposes of delay. The relief requested herein is supported by good cause and will not prejudice the Court or the parties. No party will be unduly prejudiced or harmed by the granting of this Motion and no deadlines will be affected.

WHEREFORE, Plaintiffs, Mark Breiner DDS, LLC and Emsculpt of CT, L.L.C. and Defendant BTL Industries, Inc., respectfully request that the Court grant this Motion and provide the requested relief.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1, the undersigned certifies that on December 10, 2024, the undersigned conferred with counsel for Defendant, Molly Flynn, who advised that Defendant would agree to a 30-day extension of time as long as Defendant is provided 14 days to file a reply after Plaintiffs' response is filed.

Dated: December 10, 2024

Respectfully submitted,

<u>/s/ Ariane Wolinsky</u> ARIANE WOLINSKY, ESQ. FBN: 51719 GARY MANSFIELD, ESQ. FBN: 61913 DAVID STONE, ESQ. FBN: 400432 MANSFIELD BRONSTEIN & STONE, LLP 200 E. Broward Boulevard, Suite 1250 Ft. Lauderdale, Florida 33301 Phone: (954) 601-5600 <u>Service Email Designation:</u> litigation@mblawpa.com	<u>/s/ Molly E. Flynn</u> Molly E. Flynn (admitted <i>pro hac vice</i>) Samantha Puckett (BBO No. 705783) <u>BARNES & THORNBURG LLP</u> <u>One Marina Park Drive, Suite 1530</u> <u>Boston, MA 02210</u> Molly.Flynn@btlaw.com Samantha.Puckett@btlaw.com <u>Counsel for Defendant BTL Industries, Inc.</u>
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via the Court's electronic filing notification system upon all parties registered to receive electronic notice in this case on this 10th day of December 2024.

/s/ Ariane Wolinsky
ARIANE WOLINSKY, ESQ.